

SEALED

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

MAR 02 2005

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
AT CHARLOTTESVILLE  
MARCH 2005 SESSION

JOHN F. CORCORAN, CLERK  
BY:  DEPUTY CLERK

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL NO. 3:05cr00011  
 :  
 : VIOLATIONS:  
 TIMOTHY FENNON SAMPSON, and :  
 JERRY RILEY MILLS, : Title 18, United States  
 : Code, Sections 2; 371; 1001;  
 Defendants. : 1503; 1621; and 1622.  
 :

I N D I C T M E N T

Count One

Conspiracy to Commit Perjury

The Grand Jury charges:

1. That within or about July 2003, and continuing thereafter until within or about 2004, in the Western District of Virginia, and elsewhere, TIMOTHY FENNON SAMPSON and JERRY RILEY MILLS, did knowingly combine, conspire, confederate, and agree, with each other and with other persons, both known and unknown to the Grand Jury, to commit the crime of perjury, to wit, having duly taken an oath before the Grand Jury sitting in Charlottesville, Virginia, an

entity competent under the laws of the United States to administer an oath, that they would testify truly, did willfully and knowingly and contrary to said oath, testify to material matters that **SAMPSON** and **MILLS**, and others, did not believe to be true.

2. That during the time and place aforesaid in paragraph 1, the Grand Jury was conducting an investigation into the murder of Michael Wayne Short and Mary Hall Short, and the kidnaping and murder of Jennifer Renee Short, in violation of Title 18, United States Code, Section 1201 (referred to hereinafter collectively as "the Violation"). A number of things were material to this investigation, including: (a) who killed Michael Wayne Short and Mary Hall Short; (b) who abducted Jennifer Renee Short; (c) how Michael Wayne Short and Mary Hall Short were killed; (d) at what time Michael Wayne Short and Mary Hall Short were killed; (e) the vehicle driven by the person, or people, who killed Michael Wayne Short and Mary Hall Short and abducted Jennifer Renee Short; (f) whether there was an eye witness to the murders of Michael Wayne Short and Mary Hall Short and the abduction of Jennifer Renee Short; and (g) whether **TIMOTHY FENNON SAMPSON** and **JERRY RILEY MILLS** were present in the area of 10820 Virginia Avenue, Bassett, Virginia, when Michael Wayne Short and Mary Hall Short were killed and Jennifer Renee Short was abducted.

### Objects of the Conspiracy

3. It was an object of the conspiracy for **TIMOTHY FENNON SAMPSON** and **JERRY RILEY MILLS** to profit, directly and indirectly, from the false information that they provided to the task-force investigating the Violation and from the materially false information to which they testified in the Grand Jury. During the entire period of the conspiracy, reward money was publically offered by, among other law enforcement organizations, the Henry County Sheriff's Office, for any evidence related to the Violation.

4. It was further an object of the conspiracy that **TIMOTHY FENNON SAMPSON** and **JERRY RILEY MILLS** would obtain a lenient sentence, or other favorable treatment, for **MILLS** in his then pending state narcotics case.

### Overt Acts

5. In furtherance of this conspiracy, and to effect and accomplish the objects thereof, **TIMOTHY FENNON SAMPSON** and **JERRY RILEY MILLS**, and other conspirators committed, among others, the following overt acts within the Western District of Virginia, and elsewhere:

A. Within or about August 2003, **TIMOTHY FENNON SAMPSON** began to anonymously contact Captain Bobby Wayne Lawson, of the Rockingham County, North Carolina, Sheriff's Office, using a cellular phone. During these calls, **SAMPSON**, using the alias "Bob," said that he was an eye witness to the Violation.

B. On or about October 6, 2003, **TIMOTHY FENNON SAMPSON** met in person with members of the task-force investigating the Violation.

C. On or about October 6, 2003, **TIMOTHY FENNON SAMPSON** traveled with members of the task-force investigating the Violation to Charlottesville, Virginia, where the federal Grand Jury that is investigating the Violation was sitting.

D. On or about October 6, 2003, **TIMOTHY FENNON SAMPSON** provided material and false information to members of the task-force investigating the Violation.

E. On or about October 7, 2003, in Charlottesville, Virginia, **TIMOTHY FENNON SAMPSON** appeared as a witness before the Grand Jury, and being under oath, testified falsely with respect to the aforesaid material matters, specifically, but not exclusively, **SAMPSON** testified that:

Q: Why don't you explain that to the Grand Jury? Why did you stop and what did you do?

A: . . . I kept telling him to pull over. . . . Finally, I said just pull over right here. I'll jump out.

Q: And can you describe the right here that you're talking about.

A: I mean, like I said, I didn't know anything about the area. When we pulled off, it was just a place to pull off. It looked like there were some buildings there. I guess it was businesses. I don't know if they was open or not, but it looked like some commercial properties. (Pp 9-10)

. . . .

Q: And when you stopped there in Henry County, about what time was it, Tim?

A: I would say it was around between 11 o'clock and 1 o'clock. (P 12)

. . .

Q: What is the next thing that you hear?

A: As soon as I got up to the house, or I was getting up to the house, I thought I heard a gunshot.

Q: You say that you thought you heard a gunshot. You weren't quite sure what it was?

A: No. But to me it sounded like someone had a pistol in a pillow and shot through it, is what it sounded like.

Q: Now -

A: It wasn't a ringing sound.

Q: Is the shot where you are running to or is it behind you?

A: No, it is where I was running to.

Q: What do you do after you hear the shot?

A: Well, when I heard it I actually ducked down because I didn't realize - it seemed like it was happening so fast. And then I was thinking maybe - I was running through someone's yard and maybe that shot came from back there. I was trying to get my coordinates together, and that's when I heard the second shot.

Q: All right. You heard a second shot?

A: Yes.

Q: Was the second shot louder or quieter than the first?

A: A whole lot louder.

Q: Okay.

A: And I knew after that - the first shot sounded like a firecracker compared to the second shot. The second shot, I had no - I mean, I knew that it was a gunshot. (Pp 17-18)

. . .

Q: When you ran back to get the gun and you came back to the house, did you hear anything during that time?

A: When I came back to the house, there was a silence. Or when I was approaching back up to the house, I heard a man's voice screaming something, but I couldn't - it wasn't something I could understand what they were saying.

Q: You couldn't make out what it was?

A: I couldn't make out what they were saying, and I heard a sound like a girl's voice crying. It was screaming.

Q: Do you remember what she was saying?

A: She was saying, "No. No." (Pp 19-20)

. . .

Q: Tell the Grand Jury what you saw.

A: I seen a person walking towards a vehicle and they were carrying something, what appeared to me could have been a rifle or could have been a shotgun. Whatever it was, the way they were carrying it, I really didn't know what it was. (P 22)

. . .

Q: What did the person who had this do with that?

A: They went to their car and stuck it in the back seat.

Q: Describe the car.

A: I want to say that it was like a '78 Chevrolet Malibu four-door car. It was a four-door car, front and back was kind of square.

Q: Okay. Do you remember the color, by any chance?

A: It was - it reminded me of a copper colored casket.

Q: Let me ask you this. Once he put that in the car, did he leave, or did he do something else?

A: No. He came back up to the house. And when he did I backed up back around the corner.

Q: Okay. So he went back into the house.

A: Yes, but I couldn't tell - he was walking back towards the house when I backed up. (Pp 22-23)

. . .

A: Yes. But I can see - when he was walking back towards the house, I can see more of his face.

Q: Did you see him again that night.

A: Yes.

Q: Tell the - how soon after him going back towards the house did you see him again?

A: Well, when I stuck my head back out to see if the coast was clear so I could run back across the street, he was coming back out carrying - I guess you could say carrying a body.

Q: Okay. Can you describe - when you say a body, can you describe what it looked like to you?

A: He was carrying a child. All I could readily make out - I couldn't tell if it was a boy or a girl, but I could see their legs was hanging out across his arm. And they had on kind of like I would call a nightdress. Because it was hanging down, and it appeared what looked like a pair of panties. That's why I considered it being a girl. (Pp 23-24)

. . .

Q: And you described her feet. Could you see whether the feet were moving at all?

A: No, she looked - there was no movement in her body whatsoever. It was like it was just - no movement.

Q: And what did he do with the body?

A: He was headed to his car, and his car was kind of parked close to the road. And another vehicle was coming. You could hear it, and it sounded like a big truck. And he got - he was almost right there at his car. And he realized the lights were shining on him, and he turned around and came back up towards the house.

Q: So he went back towards the house. Did you lose sight of him?

A: Yes.

Q: Did the vehicle actually come by?

A: Yes.

Q: Do you remember what the - was it a truck or a car?

A: It was a big truck.

Q: After - well, let me ask you this: did the light from the truck help you see who this was, at all?

A: Right. That's the only time that I really got a good look.

Q: Tell the Grand Jury how you described him to me yesterday?

A: When I seen his face, it put me in the mind of Abraham Lincoln.

Q: And since - had you ever seen that person before?

A: No.

Q: Never had any dealings with him?

A: No.

Q: Never met him?

A: No.

Q: Since that day, have you seen him?

A: I don't know his name, but I seen him on TV.

Q: He's the one you've seen on TV?

A: I think his last name was Bowman or first name Bowman. (Pp 25-26)

. . .

Q: But you were going to where you were hearing shots being fired.

A: Well, like I said, at the time I was kind of confused.

Q: Okay. All right. And then later on, you saw this man carrying this body, and you saw his face, and you saw his face illuminated by the truck light?



A: Right.

Q: And you described him as looking like Abraham Lincoln?

A: That's what kind of - the profile of his face kind of looked like. (Pp 56-57)

F. On or about October 7, 2003, **TIMOTHY FENNON SAMPSON**, traveled with members of the task-force investigating the Violation to 10820 Virginia Avenue, Bassett, Virginia, in Henry County, and provided the members of the task-force with material and false information by stating that he was at that residence in the early morning hours of August 15, 2002.

G. At various times between within or about August 2003 and November 5, 2003, **TIMOTHY FENNON SAMPSON** convinced and coerced Joanna Beth Braxton to testify to material and false information in the Grand Jury sitting in Charlottesville, Virginia, that is investigating the Violation. Because of both violent physical and verbal coercion by **SAMPSON**, Braxton testified falsely with respect to the aforesaid material matters, specifically, but not exclusively, Braxton testified that:

Q: Can you recall about what time he got home?

A: I know it was early in the morning. I couldn't put an exact time on it, but I would say like four in the morning, maybe 5. I know it was - I had been asleep for hours when he came in.

Q: Still dark?

A: Yeah.

Q: And was it his coming in that woke you up?

A: Yes.

Q: All right. Describe - as best as you remember, describe how he was acting and what he was saying.

A: He was crying and shaking, and it seemed like he might have a panic attack that was getting ready to come on. And he was trying to explain to me that he thought he might have seen someone get killed, but he wasn't real specific. He didn't tell me where they had been or anything like that. He just told me that he thought he might have saw somebody get killed.

Q: Does your father have panic attacks? Have you seen him like this before?

A: In extreme situations, I have seen him have panic attacks before.  
(Pp 12-13)

. . . .

Q: Did he tell you any details about why he thought he might have seen someone get killed?

A: I don't think that night he explained very much to me. But he said he had got out to use the bathroom and had heard some gunshots in a house. (P 13)

. . . .

Q: Tell the Grand Jury what you heard Bob and your father talking about.

A: I heard my father telling Bobby that he had went to the police about what he saw that night and that the police wanted to talk to Bobby. And Bobby said he didn't want anything to do with it. He wasn't trying to help anybody. He didn't care who got killed. He was looking out for himself and himself alone. He said he didn't see anything, he wasn't involved, he didn't want to be involved.  
(P 21)

H. On or about December 8, 2003, **JERRY RILEY MILLS** meet with members of the task-force investigating the Violation at the office of his attorney in Greensboro, North Carolina, and provided them with material and false information about the Violation.

I. On or about December 17, 2003, **JERRY RILEY MILLS**, traveled

with members of the task-force investigating the Violation to the area surrounding 10820 Virginia Avenue, Bassett, Virginia, in Henry County, and provided the members of the task-force investigating the Violation with material and false information.

J. On or about December 21, 2003, in the late evening hours, **TIMOTHY FENNON SAMPSON**, called Major K.G. Nester, of the Henry County, Virginia, Sheriff's Office, and threatened to kill Nester and Captain Bobby Wayne Lawson, of the Rockingham County Sheriff's Office. The call was made to Major Nester's home phone in Henry County Virginia. Among other threats, **SAMPSON** said that he would use a firearm to "blow your mother-fucking, God-damn heads off."

K. On or about December 21, 2003, in the early morning hours, in Rockingham County, North Carolina, **TIMOTHY FENNON SAMPSON**, again threatened to kill Major K.G. Nester, of the Henry County Sheriff's Office, and Captain Bobby Wayne Lawson, of the Rockingham County Sheriff's Office.

L. On some date after within or about October 2003, and before February 10, 2004, **TIMOTHY FENNON SAMPSON** and **JERRY RILEY MILLS**, attempted to convince Michael Shane Holland to provide false information to the task-force investigating the Violation.

M. On or about February 10, 2004, at the Federal Bureau of Investigation's Greensboro, North Carolina, field office, **TIMOTHY FENNON SAMPSON**, physically assaulted Michael Shane Holland by punching him in the face.

N. On or about April 28, 2004, in Charlottesville, Virginia, **JERRY RILEY MILLS** appeared as a witness before the Grand Jury investigating the Violation, and being under oath, testified falsely with respect to the aforesaid material matters, specifically, but not exclusively, **MILLS** testified that:

Q: Okay. Let's talk about that. What time did you get together to go up to Roanoke? What time of day, about, did you get together with Mr. Sampson to go up to Roanoke?

A: What time did we leave to go up there?

Q: Yes.

A: It was probably maybe 10, 10:30 at night. (Pp 13-14)

. . .

Q: Do you recall the route that you took up to Roanoke?

A: 220. (P 21)

. . .

Q: And describe where you stopped.

A: I pulled over to the right. It was like a little shoulder that you pull over at, on the right-hand side of the road in Virginia. I don't know where. I mean, now I know it was Henry County., but I didn't know then, where I was at. It was just like a little pull-off spot right there.

I pulled over, and he got out to take a pee. And I was packing my bong - my pipe. And he stepped around the side of the van, the van that we was in, was taking a pee. And after he got through, he had his - he got his gun and the walkie-talkie and said - there was a little building right there where we was at. And it was a fenced-in area back there.

And he said, "I'm going to go check this out back over here." He said, "Wait. Just wait." About that time some headlights was coming from - in my mirror, behind me, the way I was parked in the van. And I said, "I'm going to pull on up and pull over somewhere up there, and just holler at me on the radio." And so he went on

around to where there was a fenced in area, and I pulled on up - I never even lit my bowl or anything - and pulled on up and there was a big parking lot to the left-hand side of the road. But I couldn't turn to go in the parking lot. I had to pull up and then there was a little turnaround.

I turned around and pulled into a parking lot that was over on the other side of the highway. And I got there, back there, and it was a big parking lot with some - a couple of little buildings, shelters, and a vacant parking lot. And backed up under a shelter right there, faced out. And the bowl that I packed - I smoked my bowl and - (Pp 32-33)

. . .

Q: Okay. So, you pull out and you are heading south. Do you see Mr. Sampson?

A: He's running down the road. (P 37)

. . .

Q: All right. Which way do you go?

A: Only way I could go: straight, back towards Greensboro.

Q: Back home?

A: Yeah. And then - he was panicking pretty good, and then he mentioned something to me about, "Did you hear some gunshots?" And I'm like, "No," but then, you know, I started freaking out then about - because he's running with a gun in his hand, and I driving the vehicle, you know. And I don't know what he's done got into, you know, where he was at. You know, wasn't none of this here planned. You know, my plan was to go up to Roanoke and get rid of the motorcycles and come back.

About then, when he started talking about gunshots, you know - and him with a gun, you know, a lot of shit run through my head. You know, I was sitting there: "What happened?" You know? And he was like - he thinks somebody just got shot. (Pp 40-41)

. . .

Q: Now, you're telling the Grand Jury what Mr. Sampson told you; is that right?

A: Yes.

Q: Okay. Go ahead.

A: That he - that he heard a gunshot and he thought somebody's done got shot up around there.

Q: At that point did he say who did it?

A: No.

Q: Did he say that he saw the person who did it?

A: He said that he seen somebody with a gun. (P 47)

. . .

Q: Do you remember him ever saying that? Whether the person who was charged was the right person or the wrong person?

A: Well, he - since then, he's sat there and said was the guy, that it was the guy that they showed on TV, and that that was the guy that he saw at the house where he was at. But I was never at the house. I've never seen anybody. I never heard no gunshots.

Q: Let me just ask you this. I want to make sure I understand. On your - or near your birthday, in 2002, he said he saw who was there; is that right?

A: Yes. Yes.

Q: But did he tell you who the person was?

A: No.

Q: Did he tell you if he knew - if he recognized the person?

A: No.

Q: Okay. Did he describe that person to you?

A: Whenever - after - right after it happened? No.

Q: Right - right - okay. When was the first time that he said to you that the person that was put in jail is - was the right person?

A: Actually, down at the pool room, he told me it was - but this was a little afterwards. (Pp 60-61)

. . .

Q: Did - how did Mr. Sampson say it to you, that the person who came back from Canada was the right person?

A: He said that was the guy he seen come out of the house. (Pp 62-63)

All in violation of Title 18, United States Code, Sections 371 and 1621.

Count Two

Perjury

The Grand Jury charges:

On or about October 7, 2003, in Charlottesville, Virginia, **TIMOTHY FENNON SAMPSON** appeared as a witness before the Grand Jury and committed perjury, to wit, having duly taken an oath before the Grand Jury sitting in Charlottesville, Virginia, an entity competent under the laws of the United States to administer an oath, that **SAMPSON** would testify truly, he did willfully and knowingly and contrary to said oath, testify falsely to material matters that **SAMPSON** did not believe to be true, these material matters being set forth in paragraph 2 of Count One, which Count is incorporated within this Count as if fully set forth herein. Specifically, but not exclusively, **SAMPSON** testified as set forth in paragraph 5(E) of Count One.

All in violation of Title 18, United States Code, Section 1621.

### Count Three

#### Provision of Material and False Information

The Grand Jury charges:

That on or about October 7, 2003, in the Western Judicial District of Virginia, the defendant, **TIMOTHY FENNON SAMPSON**, did knowingly and willfully, make a materially false, fictitious, or fraudulent, statement or representation in a matter within the jurisdiction of the executive, legislative, or judicial, branch of the Government of the United States as set forth in paragraphs 2 and 5(F) of Count One of this Indictment, which Count is incorporated within this Count as if fully set forth herein.

In violation of Title 18, United States Code, Section 1001.

### Count Four

#### Subornation of Perjury

The Grand Jury charges:

At various times between within or about August 2003 and November 5, 2003, **TIMOTHY FENNON SAMPSON**, as principal and as aider and abettor, convinced, coerced, and procured, Joanna Beth Braxton to testify to material and false information in the Grand Jury sitting in Charlottesville, Virginia. On November 5, 2003, Braxton appeared as a witness before the Grand Jury and committed perjury, to wit, having duly taken an oath before the Grand Jury sitting in Charlottesville, Virginia, an entity competent under the laws of the United States to administer an oath, that Braxton would testify



truly, she did willfully and knowingly and contrary to said oath, testify falsely to material matters that Braxton and **SAMPSON** did not believe to be true, these material matters being set forth in paragraph 2 of Count One, which Count is incorporated within this Count as if fully set forth herein. Specifically, but not exclusively, Braxton testified as set forth in paragraph 5(G) of Count One.

All in violation of Title 18, United States Code, Sections 2 and 1621.

#### Count Five

##### Threat to Kill and Intimidate to Impede the Due Administration of Justice

The Grand Jury charges:

That on or about December 21, 2003, in the Western Judicial District of Virginia, and elsewhere, the defendant, **TIMOTHY FENNON SAMPSON**, did corruptly by threats or force, or by any threatening letter or communication influence, obstruct, and impede, or endeavor to influence, obstruct, and impede, the due administration of justice in a federal Grand Jury investigation by threatening to kill Major K.G. Nester, of the Henry County Sheriff's Office, by stating, among other things, that he would "blow your mother-fucking, God-damn heads off." **SAMPSON** made these statements in connection with the federal Grand Jury proceeding that is set forth in paragraph 2 of Count One of this Indictment, which Count is incorporated within

this Count as if fully set forth herein.

In violation of Title 18, United States Code, Section 1503.

Count Six

Threat to Kill and Intimidate to Impede the Due  
Administration of Justice

The Grand Jury charges:

That on or about December 21, 2003, in the Western Judicial District of Virginia, and elsewhere, the defendant, **TIMOTHY FENNON SAMPSON**, did corruptly by threats or force, or by any threatening letter or communication influence, obstruct, and impede, or endeavor to influence, obstruct, and impede, the due administration of justice in a federal Grand Jury investigation by threatening to kill Captain Bobby Wayne Lawson, of the Rockingham County Sheriff's Office, by stating, among other things, that he would "blow your mother-fucking, God-damn heads off." **SAMPSON** made these statements in connection with the federal Grand Jury proceeding that is set forth in paragraph 2 of Count One of this Indictment, which Count is incorporated within this Count as if fully set forth herein.

In violation of Title 18, United States Code, Section 1503.

Count Seven

Provision of Material and False Information

The Grand Jury charges:

That on or about December 17, 2003, in the Western Judicial District of Virginia, the defendant, **JERRY RILEY MILLS**, as principal

and as aider and abetter, did knowingly and willfully, make a materially false, fictitious, or fraudulent, statement or representation in a matter within the jurisdiction of the executive, legislative, or judicial, branch of the Government of the United States as set forth in paragraphs 2 and 5(I) of Count One of this Indictment, which Count is incorporated within this Count as if fully set forth herein.

In violation of Title 18, United States Code, Sections 2 and 1001.

#### Count Eight

##### Perjury

The Grand Jury charges:

On or about April 28, 2004, in Charlottesville, Virginia, **JERRY RILEY MILLS**, as principal and as aider and abetter, appeared as a witness before the Grand Jury and committed perjury, to wit, having duly taken an oath before the Grand Jury sitting in Charlottesville, Virginia, an entity competent under the laws of the United States to administer an oath, that **MILLS** would testify truly, he did willfully and knowingly and contrary to said oath, testify falsely to material matters that **MILLS** did not believe to be true, these material matters being set forth in paragraph 2 of Count One, which Count is incorporated within this Count as if fully set forth herein. Specifically, but not exclusively, **MILLS** testified as set forth in paragraph 5(N) of Count One.

All in violation of Title 18, United States Code, Sections 2  
and 1621.

A TRUE BILL, this 2<sup>nd</sup> day of March, 2005.

Christine Leontee  
FOREMAN

John L. Brownlee by W.F.D.  
JOHN L. BROWNLEE  
UNITED STATES ATTORNEY